

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARIO TORRES-ARMAS,

Petitioner,

v.

DEPARTMENT OF HOMELAND SECURITY,
et al.,

Respondents.

Case No. C14-983-JCC-BAT

**REPORT AND
RECOMMENDATON**

Mario Torres-Armas, who is currently detained at the Northwest Detention Center, was one of approximately 30 *pro se* detainees who sought to bring a class action related to voluntary departure and reinstatement of removal procedures, among other things. *See Monge-Piedra v. Dep't of Homeland Sec.*, Case No. 14-457-TSZ-MAT, Dkt. 2-1 (W.D. Wash. 2014). That action was broken into individual actions, and Mr. Torres-Armas is now proceeding *pro se* and *in forma pauperis* in the above-captioned habeas action pursuant to 28 U.S.C. § 2241.

Mr. Torres-Armas's amended petition alleges his own claims, as well as claims of some of his previous co-petitioners. However, Mr. Torres-Armas may only assert his own legal rights and interests, not those of others. Accordingly, on August 4, 2014, the Court issued an order declining to serve Mr. Torres-Armas's amended petition on respondents, and granting him leave to file a second amended petition by September 5, 2014. Dkt. 7. The Court instructed Mr.

1 Torres-Armas that his second amended petition must: (1) set forth his own claims; (2) allege
2 facts that are specific to him in support of each of his claims; (3) state the relief he is seeking;
3 and (4) be signed. *Id.* The Court also warned that failure to timely file a second amended
4 petition would result in a recommendation that his case be dismissed. *Id.*

5 To date, Mr. Torres-Armas has filed no second amended petition. It thus appears that he
6 has elected not to proceed with this action. Accordingly, the Court recommends that Mr. Torres-
7 Armas's amended habeas petition be **DISMISSED** without prejudice for failure to prosecute. A
8 proposed order accompanies this Report and Recommendation.

9 This Report and Recommendation is not an appealable order. Therefore a notice of
10 appeal seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the
11 assigned District Judge enters a judgment in the case. Objections, however, may be filed and
12 served upon all parties no later than **October 8, 2014**. The Clerk should note the matter for
13 **October 10, 2014**, as ready for the District Judge's consideration if no objection is filed. If
14 objections are filed, any response is due within 14 days after being served with the objections. A
15 party filing an objection must note the matter for the Court's consideration 14 days from the date
16 the objection is filed and served. The matter will then be ready for the Court's consideration on
17 the date the response is due. Objections and responses shall not exceed ten (10) pages. The
18 failure to timely object may affect the right to appeal.

19 DATED this 17th day of September, 2014.

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23 BRIAN A. TSUCHIDA
United States Magistrate Judge